

## PATENT

REMARKS

Claims 1-21 and 23-39 are pending in the application. Claims 16-21 and 23-29 are cancelled without prejudice. Claims 9 and 10 have been amended. Claims 1-8, 11-15, and 30-39 remain in the application without amendment.

Claim 10 stands objected to because of an informality. Applicant appreciates the Examiner's suggestions for correcting the informality. Per the Examiner's suggestion, Applicant has rewritten claim 10 by amending "selection module" to "switch control module." Accordingly, the objection to claim 10 should be withdrawn in the next Office action.

Additionally, claim 9 has been amended to change dependence from claim 1 to claim 2 in order to provide proper antecedent basis for "switch control module" recited in claim 9.

Claims 1-21, 23-33, 38, and 39 stand rejected under 35 USC §102(e) as anticipated by Kitigawa (USPN 6,624,613 B2). Claims 16-21, 23, and 24 have been cancelled. Applicant respectfully traverses this rejection.

In rejecting independent claim 1, the rejection asserts that Kitigawa at FIG 3 and component 25 teaches "a power management module configured to operate each of the first and second batteries in a pulse current discharge mode while supplying continuous current to a load." Upon careful reading of the disclosure at column 5, lines 39-51, the disclosure discloses the PWM control circuit 25 controls the on/off of the FET 21 when the batteries 14x and 14y are to be charged. Further, at column 7, lines 8-35, the passage describes use of the PWM control circuit 25 to control charging of the batteries at a constant voltage mode or constant current mode. Also, at column 8, lines 48-67, describes that FET 21 is always on regardless of the output of the PWM control circuit when discharging the batteries. This passage does not describe that the PWM control circuit 25 operates the two batteries in a pulse current discharge mode while supplying continuous current to a load. Thus, a *prima facie* case of obviousness is not established for claim 1.

Independent claims 11 and 30 also include the limitation of "operate each of the first and second batteries in a pulse current discharge mode while supplying continuous current to a load." Thus, a *prima facie* case of obviousness is not established for claims 11 and 30.

Attorney Docket No.: 030222  
Customer No.: 23696

**PATENT**

Accordingly, the rejection of independent claims 1, 11, and 30 under 35 USC §102(e) as anticipated by Kitigawa should be withdrawn in the next Office action. And, at least by virtue of their dependency on the independent claims 1, 11, and 30, the 102(e) rejection to claims 2-10, 12-15, 31-33, 38, and 39 should be withdrawn in the next Office action.

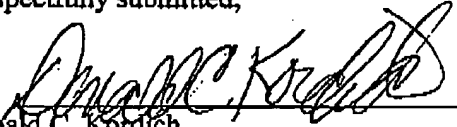
Claims 34, 36, and 37 stand rejected under 35 USC 103(a) as being unpatentable over Kitigawa, as used in the 102(e) rejection, and in view of Leifer (USPN 6,459,171 B1). Applicant respectfully traverses this rejection by virtue of their dependency on allowable claim 30.

In view of the above remarks and amendments, Applicants believe that claims 1-15 and 30-39 are in condition for allowance and passage of this case to issue is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 17-0026 and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: April 13, 2006

By:   
Donald C. Kordich  
Registration No. 38,213  
(858) 658-5928

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 651-4125  
Facsimile: (858) 658-2502

Attorney Docket No.: 030222  
Customer No.: 23696